

March 16, 2006  
Seven o'clock P.M.  
North Little Rock City Hall Council Chambers  
300 Main Street  
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, March 13, 2006, was rescheduled for Thursday, March 16, 2006, and called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). City Clerk Diane Whitbey and Assistant City Attorney Amy Fields were also present.

The invocation was given by Mayor Hays, followed by the pledge of allegiance to the flag which was also led by Mayor Hays.

Alderman MARTIN GIPSON arrived during the invocation.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the minutes from a regular council meeting held on February 27, 2006, and a Special Call meeting held on February 28, 2006, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Gipson and seconded by Alderwoman Robinson , and by consent of all members present, communications # 1, 2, 3, 5, and 7 were accepted and filed (8/0).

1. W. A. Anderson, 528 Romance Road, Romance, Arkansas 72136, letter to Diane Whitbey, City Clerk for Mayor Hays and Council members re: complaint filed with Arkansas Towing and Recovery Board and requesting reply. (Phillips Brothers Towing Service charges for towing his granddaughter's car after an accident on McCain Boulevard, February 2, 2006).
2. Todd Larson, Director of Economic Development, State of the City of North Little Rock Report to City Council, dated February 28, 2006 for Mayor Hays.
3. Sharon Tedford, Mayor's Office memorandum re: application for new restaurant mixed drink permit for Hooters of North Little Rock, 4110 Landers Road, by Larry J. Krisher; and, application for Sunday Alcoholic Beverage Sales - Restaurant Mixed Drink permit for the Arkansas Queen, 100 Riverfront Park by Robert M. Lumpp.
5. Sharon Tedford, Mayor's Office memorandum re: retail beer off premises replacement permit for Kwik Check 1 Enterprises, f/k/a Kwik Chek, 4616 East Broadway, (previous address listed as 4700 East Broadway) by Jenny Kang; and, New Restaurant Mixed Drink permit for Guacomole's Mexican Restaurant f/k/a Chuck's Steakhouse, 5500 MacArthur Drive, by Aracely Hernandez.

7. Sharon Tedford, Mayor's Office memorandum re: application for Sunday Alcoholic Beverage Sales - Restaurant Mixed Drink permit for Texas Roadhouse, 3601 Warden Road by John H. Arnold.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, communication #4 was read by title only, accepted and filed (8/0).

4. Fritz Friedl, Director of Volunteers Annual Report on Volunteer Service (for 2005), 11,318 volunteers, 206,974 hours. Alderman Witcher said the value of volunteer hours for 2005 was equivalent to \$4,048,426.00.

On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, communication #6 was read by title only, accepted and filed (8/0).

6. Anne W. Laidlaw, RPA, Administrator of Finance and Real Estate Services, Arkansas Building Authority letter to Joe Smith, Purchasing Director re: State Lease Agreement #60-810-P2098, Arkansas Department of Workforce Services, #1 Pershing Circle, North Little Rock, notification premises will be returned to city by April 30, 2006.

Mayor Hays advised the city is meeting with interested parties regarding the property. Mr. Smith is checking costs to have the building torn down and an appraisal of the property without the hospital. It costs the city about \$25,000.00 per month to keep the building in adequate shape.

Mayor Hays advised Hurricane Katrina effected a lot of people along the Gulf Coast. Many have relocated including a family from Mississippi who have made North Little Rock their new home. He invited Claire and Warren Haun and Mrs. Martha Koon (Mrs. Haun's mother) to come forward and presented them with a proclamation. Mayor Hays discussed the many challenges this family faced after they lost everything during the hurricane. After ending up in North Little Rock, the family decided to make the Park Hill neighborhood their home. Mrs. Haun was instrumental in creating an art show to help artists from the devastated areas. Mrs. Haun then surprised Mayor Hays with a proclamation from the Mayor of the Bay of Saint Louis, Mississippi and thanked him, Margaret Powell, and others who made them feel welcome when they arrived in North Little Rock. (The proclamation was one of five which survived the hurricane after City Hall was destroyed).

Mayor Hays invited Mr. Eddie Powell to come forward. Mayor Hays advised there are over 10,500 members of the Patrick Henry Hays Senior Citizens Center (a/k/a the Hays Center). Mr. Powell and members of the North Little Rock Senior Citizens Task Force were present, along with Mr. Charley Foster, Architect who provided a visual presentation regarding the upcoming expansion of the Hays Center. Mr. Powell introduced Mr. Charley Baxter, Hays Center Director, Alderman Murry Witcher, Barbara Kresse, who is also a part-time employee, Artis Boykin, Randy Harrison, Jim

Roberts, Jim Redmond, and Mary Ruth Morgan, City Treasurer and advised all had contributed many hours of their time while working on this project. Mr. Clark McGlothin, Contractor, CBM Construction reviewed the project budget. Mr. Foster proceeded with the presentation which illustrated changes and additions to the site exterior and interior, which included a lap pool, converting the existing men's locker area into additional area for women, a billiard area, expanded administrative office area, coffee shop, aerobics, computer labs and other. A secondary entry would be created. Building materials are available to match existing bricks, etc. Mr. McGlothin reviewed copies of the budget and the process used to derive it, including allowances and items which were excluded. The center will remain open during construction. Mr. Baxter thanked the Task Force for their hard work. Programs at the center are well used and attended. Mr. Baxter reviewed a breakdown of members, jurisdiction, number of cities represented, etc. and a copy of the *Hays Center Happenings* newsletter. Over 5,000 people have used and graduated from computer classes offered at the center. Parking slots will be lost due to the expansion, however, a shuttle will be provided during day time hours. The estimated project time-line would be July, 2006, through July, 2007. Monday, at 10:00 a.m., the Task Force will meet with center members to review the plans.

Mayor Hays acknowledged Assistant City Attorney Amy Fields who was present.

Mayor Hays reconvened a public hearing regarding O-06-10, establishing the Camp Robinson Road Sign Overlay District and amending Ordinance No. 7697 (the Zoning Ordinance) at 7:58 p.m. There being no one present wishing to be heard, the public hearing was adjourned.

Mayor Hays convened a public hearing regarding O-06-23, regarding proposed Sign District for John F. Kennedy Boulevard at 7:59 p.m. There being no one present wishing to be heard, the public hearing was adjourned.

### **UNFINISHED BUSINESS**

R-06-26 (RESOLUTION NO. 6907 - MAYOR HAYS)

A RESOLUTION APPOINTING MARY JO HETHERWICK TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted and the personal information sheet was attached (8/0).

O-06-10 (ORDINANCE NO. 7805\* - ALDERMAN WITCHER) (*Note, number out of sequence due to duplication*)\*

AN ORDINANCE ESTABLISHING THE CAMP ROBINSON ROAD SIGN OVERLAY DISTRICT AND AMENDING ORDINANCE NO. 7697, THE NORTH LITTLE ROCK ZONING ORDINANCE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time January 23, 2006, the ordinance was read

a second time February 13, 2006. A recessed public hearing was reconvened this date and adjourned. The ordinance was read a third and final time. On the motion of Alderman Witcher and seconded by Alderman Bryant, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Thomas who voted no, the ordinance was adopted (7/1). Emergency clause unanimously adopted (8/0).

O-06-23 (ORDINANCE NO. 7800 - ALDERMEN WITCHER, GIPSON AND BRYANT)

AN ORDINANCE ESTABLISHING THE JFK BOULEVARD SIGN OVERLAY DISTRICT AND AMENDING ORDINANCE NO. 7697; THE NORTH LITTLE ROCK ZONING ORDINANCE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on February 27, 2006. A public hearing was held this date and adjourned. The ordinance was read a second time. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Thomas who voted no, the ordinance was adopted (7/1). Emergency clause unanimously adopted (8/0).

**NEW BUSINESS**

R-06-35 (RESOLUTION NO. 6908 - MAYOR HAYS)

A RESOLUTION APPOINTING MARK K. HALTER TO THE UNEXPIRED TERM OF JOHN WOODRUFF ON THE NORTH LITTLE ROCK AIRPORT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Thomas, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-36 (RESOLUTION NO. 6909 - MAYOR HAYS AND ALDERWOMAN ROBINSON)

A RESOLUTION APPOINTING ROBERT JORDAN TO THE UNEXPIRED TERM OF ALBERT HARRIS ON THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-37 (RESOLUTION NO. 6910 - MAYOR HAYS)

A RESOLUTION REAPPOINTING KENNETH "BUCK" MATTHEWS TO THE NORTH LITTLE ROCK WASTEWATER TREATMENT COMMITTEE , AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-38 (RESOLUTION NO. 6911 - MAYOR HAYS)

A RESOLUTION REAPPOINTING DEAN EDWARDS TO THE NORTH LITTLE ROCK TREE BOARD, AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-39 (RESOLUTION NO. 6912 - MAYOR HAYS)

A RESOLUTION RATIFYING THE AGREEMENT ENTERED INTO BETWEEN THE NORTH LITTLE ROCK POLICE DEPARTMENT AND PULASKI COUNTY SHERIFF'S OFFICE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Berry. Alderman Gipson said the North Little Rock Police Department had not violated the previous agreement. Captain Leonard Montgomery, North Little Rock Police Department advised the City of Little Rock had not signed the agreement. Mayor Hays said funds have been set aside for the jail. On the previous motion, and by consent all members present, the resolution was unanimously adopted (8/0).

R-06-40 (RESOLUTION NO. 6913 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO REIMBURSE EXPENDITURES OF THE CITY PERTAINING TO CERTAIN CAPITAL IMPROVEMENTS FROM THE PROCEEDS OF ELECTRIC SYSTEM REVENUE CAPITAL IMPROVEMENT BONDS TO BE ISSUED BY THE CITY; AUTHORIZING THE MAYOR, IN COOPERATION WITH THE UNDERWRITER AND BOND COUNSEL, TO PROCEED WITH MATTERS PRELIMINARY TO THE ISSUANCE OF THE BONDS IN ONE OR MORE SERIES TO FINANCE THE CAPITAL IMPROVEMENTS; APPROVING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT; APPOINTING BOND COUNSEL; APPOINTING AN UNDERWRITER; AND SETTING FORTH OTHER MATTERS PERTAINING THERETO, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-41 (RESOLUTION NO. 6914 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF TELE-WORKS, INCORPORATED FOR COMPUTER HARDWARE, SOFTWARE, INSTALLATION AND MAINTENANCE FOR THE NORTH LITTLE ROCK UTILITIES ACCOUNTING DEPARTMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays said this would provide customers the ability to check their account either on line or be telephone for up to the previous 12 months.

R-06-42 (RESOLUTION NO. 6915 - MAYOR HAYS)

A RESOLUTION AUTHORIZING AND RATIFYING A UNIT POWER REACQUISITION AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND MISSOURI JOINT MUNICIPAL ELECTRIC UTILITY COMMISSION (MJMEUC); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-06-43 (RESOLUTION NO. 6916 - MAYOR HAYS)

A RESOLUTION ESTABLISHING A WHOLESALE POWER COST MITIGATION FUND; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Bryant. Mayor Hays advised the resolution would set up a fund. Alderman Thomas said this would create a hardship on people in his ward. On the previous motion, and by consent of all members present, with the exception of Alderman Thomas who voted no, the resolution was adopted (7/1).

O-06-26 (ORDINANCE NO. 7801 - MAYOR HAYS)

AN ORDINANCE AUTHORIZING THE NORTH LITTLE ROCK POLICE DEPARTMENT TO ESTABLISH AND IMPLEMENT AN ELECTRONIC RECORD KEEPING SYSTEM OF CERTAIN PURCHASES OF EPHEDRINE COMBINATION PRODUCTS, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE; IMPLEMENTING SAID SYSTEM WITH NORTH LITTLE ROCK PHARMACIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Thomas and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). Mayor Hays said this was the first program of its kind in the state and would help alleviate the problem of people from going from one store to another buying products used for the production of methamphetamine.

O-06-27 (ORDINANCE NO. 7802 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR PURCHASE OF EQUIPMENT TO UPGRADE TRAFFIC SIGNALS IN THE NORTH LITTLE ROCK DOWNTOWN SIGNAL SYSTEM; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed

on its third and final reading (8/0). The ordinance was read a third and final time. Mr. Tim Marvin, Traffic Services Director said this was necessary due to construction along East Broadway. On the motion of Alderman Berry and seconded by Alderman Witcher, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-06-28 (ORDINANCE NO. 7803 - MAYOR HAYS)

AN ORDINANCE ESTABLISHING ELECTRIC RATES FOR NORTH LITTLE ROCK ELECTRIC DEPARTMENT CUSTOMERS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of

Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, with the exception of Alderwoman Robinson, Aldermen Thomas and Berry, who voted no, and the Mayor having voted yes, the rules were suspended and the ordinance was placed on its second reading (6/3). On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, with the exception of Alderwoman Robinson, Aldermen Thomas and Berry, who voted no, and the Mayor having voted yes, the rules were again suspended and the ordinance was placed on its third and final reading (6/3). The ordinance was read a third and final time. Mayor Hays said there is a need for the proposed rate increase of 30% over a period of time and reviewed possible costs as a result of the rising costs of natural gas and coal. The effects of the hurricanes in the Gulf last year have also effected fuel prices. It appears prices will continue to increase rather than decrease. The city may be looking at a \$25 to \$30 million increase. Alderman Thomas disagreed with the need to do this at this time and said the increase shouldn't go into effect until increased rates are confirmed. The customer should be able to manage their own money and the city should stop taking money from the electric department. Mayor Hays said over 60% of the annual budget goes to public safety and a lot of that is covered by electric funds. Police Officers have increased from 140 to over 200 since 1989. Alderman Gipson said the 911, Police and Fire Departments are major costs to the city, and rightfully so. He suggested the council meet in July to review the budget by line item to try to find ways to cut the amount of funds taken from Electric Department funds. More programs are needed at the Health Department. There are other needs throughout the city. Alderman Gipson said he would like to see a day center for elderly people to utilized if the do not have air conditioning when temperatures are above 98 degrees. Alderman Thomas said he wanted the public to be able to speak on this issue. Alderman Hight reiterated the fact that the council had not increased rates in 20 years and that the city has absorbed increased fuel costs for city vehicles. Alderman Bryant said the city has a responsibility to its residents and it would be irresponsible to ignore this issue until 2007. Mayor Hays opened the item for public discussion. Mr. Jim Ard said he agrees with Alderman Thomas and does not support increases, however, he is not able do business as cheap as he could and the city cannot provide its services for the same costs either. It is easier to gradually increase rates than all at one time. Mr. Ard's mother is on a fixed income. Mrs. Shirley Simpson is President of the Poe Addition

Neighborhood Association and a member of the County Jail Reform Now Committee. She is concerned about the effect the increase will have on elderly residents who are on fixed incomes and said a gradual increase would be better than all at once. Mr. Greg Yielding said the city is raising rates even though the costs haven't increased yet. The last time rates were reviewed they didn't increase. There are other areas where money could be collected including a franchise fee on gas and telephones. Mr. Yielding said the city should request proposals to see what the rates will be. Mayor Hays said there will be an increase. The council can change the legislation if needed. Proposals received so far indicate an increase of larger than 10%. Alderman Witcher said the city's electric energy contract with Duke was put on the market, but no one would buy it because of the loss involved. Mr. Joe Gertsch, North Little Rock Electric Department Director said he could not say what the rates would be but there would be an increase. On the motion of Alderman Gipson and seconded by Alderman Bryant, and the roll having been called, and the following members having voted in the affirmative, Gipson, Bryant, Parker, Hight and Witcher, and the following members having voted no, Robinson, Thomas and Berry, the ordinance was adopted (5/3). On the emergency clause, and by consent of all members present, with the exception of Alderwoman Robinson, Aldermen Thomas and Berry, and the Mayor having voted yes, the emergency clause was adopted (6/3).

O-06-29 (ORDINANCE NO. 7804 - MAYOR HAYS)

AN ORDINANCE VACATING AND ABANDONING AN EASEMENT LOCATED ON LOTS 2 AND 3, BLOCK 2 OF NORTH COMMERCIAL SUBDIVISION, IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the ordinance was amended as follows: *new Section 2. ANY UTILITIES WITHIN EXISTING EASEMENTS WILL NOT BE CONVEYED., and renumber old Section 2 to 3, 3 to 4, and 4 to 5* (8/0). On the motion of Alderman Gipson and seconded by Alderman Berry, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

#### **PUBLIC COMMENTS-----**

Mr. Harry Vincent is a member of the Hays Center and uses the facility weekly. He plays Ping Pong on one of two tables. He understood there would be two additional tables added due to the expansion, but had learned that there would not be two added and that one would be taken away (or relocated within the center), leaving one table only for 25 - 30 people who play Ping Pong. Mrs. Simpson spoke about the jail



situation in Pulaski County and encouraged elected officials to get involved. The County Jail Reform Now group meets on the 2<sup>nd</sup> Thursday of each month at 4<sup>th</sup> and Maple. There will be a public meeting in North Little Rock on June 21, 2006. Mr. Ard advised Judge Jim Hamilton's brother had passed away. Mr. Ard said the Parks and Recreation Commission will meet on March 20, 2006, and asked people to show up if they are against alcohol in Burns Park. Mr. Clint Albright has applied for a license again. Last year there were only 2 uniformed officers on duty during the event each day. Mr. Ard said he observed a minor being served alcohol. Mr. Bubba Lloyd lives at 313 Skyline Drive. He spoke against the electric rate increase and said the council should not take money from the citizens. He can manage his own money. Mr. Lloyd thanked Alderman Thomas for his position on the issue and advised he would contribute \$2,500.00 to oppose a rate increase. Ms. Sharon Carr lived in North Little Rock and now lives in Sherwood. She said people in her area were not aware of the proposed increase. Mayor Hays advised funds from the increase would be used to pay down the cost of electric power.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the meeting adjourned at 9:40 p.m. (8/0), until the next regular meeting to be held on Monday, March 27, 2006, at seven o'clock p.m. in the City Council Chamber in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS  
ATTEST: DIANE WHITBEY, CITY CLERK